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<b>State Bar Court of California</b> <b>Hearing Department</b> <b>San Francisco</b> <b>STAYED SUSPENSION</b>		
<b>Counsel For The State Bar</b>  Sherrie B. McLetchie Deputy Trial Counsel 180 Howard Street San Francisco CA 94105 (415) 538-2297  Bar # 85447	<b>Case Number(s):</b> 10-C-5801-PEM  <b>PUBLIC MATTER</b>	<b>For Court use only</b>  <b>FILED</b>   MAR 14 2011  STATE BAR COURT CLERK'S OFFICE SAN FRANCISCO
<b>Counsel For Respondent</b>  Mark L. Tuft Cooper White & Cooper LLP 201 California Street, 17th Floor San Francisco CA 94111 (415) 433-1900  Bar # 43146	<b>Submitted to: Settlement Judge</b>  STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING	
<b>In the Matter of:</b> John Vincent Erickson  Bar # 52356  A Member of the State Bar of California (Respondent)	<b>STAYED SUSPENSION; NO ACTUAL SUSPENSION</b>  <input type="checkbox"/> PREVIOUS STIPULATION REJECTED	

**Note:** All information required by this form and any additional information which cannot be provided in the space provided, must be set forth in an attachment to this stipulation under specific headings, e.g., "Facts," "Dismissals," "Conclusions of Law," "Supporting Authority," etc.

#### A. Parties' Acknowledgments:

- (1) Respondent is a member of the State Bar of California, admitted June 2, 1972.
- (2) The parties agree to be bound by the factual stipulations contained herein even if conclusions of law or disposition are rejected or changed by the Supreme Court.
- (3) All investigations or proceedings listed by case number in the caption of this stipulation are entirely resolved by this stipulation and are deemed consolidated. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation consists of 13 pages, not including the order.



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- (4) A statement of acts or omissions acknowledged by Respondent as cause or causes for discipline is included under "Facts."
- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law".
- (6) The parties must include supporting authority for the recommended level of discipline under the heading "Supporting Authority."
- (7) No more than 30 days prior to the filing of this stipulation, Respondent has been advised in writing of any pending investigation/proceeding not resolved by this stipulation, except for criminal investigations.
- (8) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7. (Check one option only):
  - ☒ Costs are added to membership fee for calendar year following effective date of discipline.
  - ☐ Costs are to be paid in equal amounts prior to February 1 for the following membership years: (Hardship, special circumstances or other good cause per rule 5.132, Rules of Procedure): If Respondent fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.
  - ☐ Costs are waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs".
  - ☐ Costs are entirely waived.

**B. Aggravating Circumstances [for definition, see Standards for Attorney Sanctions for Professional Misconduct, standard 1.2(b)]. Facts supporting aggravating circumstances are required.**

- (1) ☐ **Prior record of discipline** [see standard 1.2(f)]
  - (a) ☐ State Bar Court case # of prior case
  - (b) ☐ Date prior discipline effective
  - (c) ☐ Rules of Professional Conduct/ State Bar Act violations:
  - (d) ☐ Degree of prior discipline
  - (e) ☐ If Respondent has two or more incidents of prior discipline, use space provided below or a separate attachment entitled "Prior Discipline."
- (2) ☐ **Dishonesty:** Respondent's misconduct was surrounded by or followed by bad faith, dishonesty, concealment, overreaching or other violations of the State Bar Act or Rules of Professional Conduct.
- (3) ☐ **Trust Violation:** Trust funds or property were involved and Respondent refused or was unable to account to the client or person who was the object of the misconduct for improper conduct toward said funds or property.
- (4) ☐ **Harm:** Respondent's misconduct harmed significantly a client, the public or the administration of justice.
- (5) ☐ **Indifference:** Respondent demonstrated Indifference toward rectification of or atonement for the consequences of his or her misconduct.



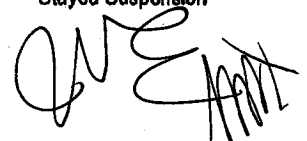
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- (6) ☐ **Lack of Cooperation:** Respondent displayed a lack of candor and cooperation to victims of his/her misconduct or to the State Bar during disciplinary investigation or proceedings.
- (7) ☒ **Multiple/Pattern of Misconduct:** Respondent's current misconduct evidences multiple acts of wrongdoing or demonstrates a pattern of misconduct. See "Facts Supporting Aggravating Circumstances."
- (8) ☐ **No aggravating circumstances** are involved.

**Additional aggravating circumstances**

**C. Mitigating Circumstances [see standard 1.2(e)]. Facts supporting mitigating circumstances are required.**

- (1) ☒ **No Prior Discipline:** Respondent has no prior record of discipline over many years of practice coupled with present misconduct which is not deemed serious. Respondent, admitted in 1972, has no prior discipline, and had been in practice for 30 years prior to the commencement of the misconduct.
- (2) ☐ **No Harm:** Respondent did not harm the client or person who was the object of the misconduct.
- (3) ☒ **Candor/Cooperation:** Respondent displayed spontaneous candor and cooperation with the victims of his/her misconduct and to the State Bar during disciplinary investigation and proceedings. See "Facts Supporting Mitigating Circumstances."
- (4) ☐ **Remorse:** Respondent promptly took objective steps spontaneously demonstrating remorse and recognition of the wrongdoing, which steps were designed to timely atone for any consequences of his/her misconduct.
- (5) ☐ **Restitution:** Respondent paid \$ \_\_\_\_\_ on \_\_\_\_\_ in restitution to \_\_\_\_\_ without the threat or force of disciplinary, civil or criminal proceedings.
- (6) ☐ **Delay:** These disciplinary proceedings were excessively delayed. The delay is not attributable to Respondent and the delay prejudiced him/her.
- (7) ☐ **Good Faith:** Respondent acted in good faith.
- (8) ☒ **Emotional/Physical Difficulties:** At the time of the stipulated act or acts of professional misconduct Respondent suffered extreme emotional difficulties or physical disabilities which expert testimony would establish was directly responsible for the misconduct. The difficulties or disabilities were not the product of any illegal conduct by the member, such as illegal drug or substance abuse, and Respondent no longer suffers from such difficulties or disabilities. See "Facts Supporting Mitigating Circumstances."
- (9) ☐ **Severe Financial Stress:** At the time of the misconduct, Respondent suffered from severe financial stress which resulted from circumstances not reasonably foreseeable or which were beyond his/her control and which were directly responsible for the misconduct.
- (10) ☒ **Family Problems:** At the time of the misconduct, Respondent suffered extreme difficulties in his/her personal life which were other than emotional or physical in nature. See "Facts Supporting Mitigating Circumstances."



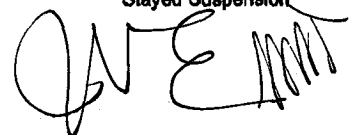
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- (11) ☒ **Good Character:** Respondent's good character is attested to by a wide range of references in the legal and general communities who are aware of the full extent of his/her misconduct. See "Facts Supporting Mitigating Circumstances."
- (12) ☐ **Rehabilitation:** Considerable time has passed since the acts of professional misconduct occurred followed by convincing proof of subsequent rehabilitation.
- (13) ☐ **No mitigating circumstances** are involved.

**Additional mitigating circumstances**

Respondent's misconduct did not involve any clients or client matters.

Prior to any State Bar proceeding, respondent hired several tax professionals who continue to actively assist respondent in making ~~timely~~ <sup>very timely</sup> and appropriate estimated tax payments and in preparing and filing tax returns.

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#### D. Discipline:

(1) ☒ **Stayed Suspension:**

(a) ☒ Respondent must be suspended from the practice of law for a period of two years.

I. ☒ and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct.

II. ☐ and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.

III. ☐ and until Respondent does the following:

The above-referenced suspension is stayed.

(2) ☒ **Probation:**

Respondent is placed on probation for a period of two years, which will commence upon the effective date of the Supreme Court order in this matter. (See rule 9.18 California Rules of Court.)

#### E. Additional Conditions of Probation:

(1) ☒ During the probation period, Respondent must comply with the provisions of the State Bar Act and Rules of Professional Conduct.

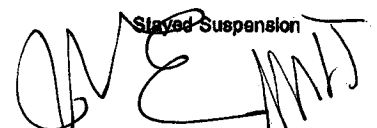
(2) ☒ Within ten (10) days of any change, Respondent must report to the Membership Records Office of the State Bar and to the Office of Probation of the State Bar of California ("Office of Probation"), all changes of information, including current office address and telephone number, or other address for State Bar purposes, as prescribed by section 6002.1 of the Business and Professions Code.

(3) ☒ Within thirty (30) days from the effective date of discipline, Respondent must contact the Office of Probation and schedule a meeting with Respondent's assigned probation deputy to discuss these terms and conditions of probation. Upon the direction of the Office of Probation, Respondent must meet with the probation deputy either in-person or by telephone. During the period of probation, Respondent must promptly meet with the probation deputy as directed and upon request.

(4) ☒ Respondent must submit written quarterly reports to the Office of Probation on each January 10, April 10, July 10, and October 10 of the period of probation. Under penalty of perjury, Respondent must state whether Respondent has complied with the State Bar Act, the Rules of Professional Conduct, and all conditions of probation during the preceding calendar quarter. Respondent must also state whether there are any proceedings pending against him or her in the State Bar Court and if so, the case number and current status of that proceeding. If the first report would cover less than 30 days, that report must be submitted on the next quarter date, and cover the extended period.

In addition to all quarterly reports, a final report, containing the same information, is due no earlier than twenty (20) days before the last day of the period of probation and no later than the last day of probation.

(5) ☐ Respondent must be assigned a probation monitor. Respondent must promptly review the terms and conditions of probation with the probation monitor to establish a manner and schedule of compliance. During the period of probation, Respondent must furnish to the monitor such reports as may be requested. In addition to the quarterly reports required to be submitted to the Office of Probation, Respondent must cooperate fully with the probation monitor.

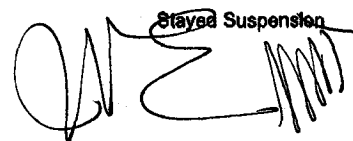
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- (6) ☒ Subject to assertion of applicable privileges, Respondent must answer fully, promptly and truthfully any inquiries of the Office of Probation and any probation monitor assigned under these conditions which are directed to Respondent personally or in writing relating to whether Respondent is complying or has complied with the probation conditions.
- (7) ☒ Within one (1) year of the effective date of the discipline herein, Respondent must provide to the Office of Probation satisfactory proof of attendance at a session of the State Bar Ethics School, and passage of the test given at the end of that session.
- ☐ No Ethics School recommended. Reason:
- (8) ☒ Respondent must comply with all conditions of probation imposed in the underlying criminal matter and must so declare under penalty of perjury in conjunction with any quarterly report to be filed with the Office of Probation.
- (9) ☐ The following conditions are attached hereto and incorporated:
- |  |   |
|--|---|
| <input type="checkbox"/> Substance Abuse Conditions    | <input type="checkbox"/> Law Office Management Conditions |
| <input checked="" type="checkbox"/> Medical Conditions | <input type="checkbox"/> Financial Conditions             |

**F. Other Conditions Negotiated by the Parties:**

- (1) ☒ **Multistate Professional Responsibility Examination:** Respondent must provide proof of passage of the Multistate Professional Responsibility Examination ("MPRE"), administered by the National Conference of Bar Examiners, to the Office of Probation within one year. **Failure to pass the MPRE results in actual suspension without further hearing until passage. But see rule 9.10(b), California Rules of Court, and rule 5.162(A) & (E), Rules of Procedure.**
- ☐ No MPRE recommended. Reason:
- (2) ☐ Other Conditions:

Stayed Suspension  


**ATTACHMENT TO**

**STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION**

IN THE MATTER OF:      John Vincent Erickson

CASE NUMBER:          10-C-5801-PEM

**FACTS AND CONCLUSIONS OF LAW**

John Vincent Erickson ("respondent") admits that the following facts are true and that he is culpable of the violation set forth below:

**Facts**

1. Respondent did not file California income tax returns for seven consecutive years. He did, however, pay estimated income tax. For years 2001 through 2004 the estimated tax paid exceeded the taxes due for those years. By September 2009, respondent paid the balance of all outstanding state taxes, penalties and interest.
2. On June 9, 2010, a Misdemeanor Complaint was filed against respondent in San Francisco Superior Court case number 02452556, charging violation of two misdemeanor counts of California Revenue and Taxation Code section 19701(a), failure to file a tax return.
3. Also on June 9, 2010, respondent entered a no contest plea to the charges and was sentenced. Respondent was placed on three years court (informal) probation, ordered to make restitution to the Franchise Tax Board ("FTB"), ordered to serve one day in county jail and given credit for one day, ordered to pay fines of \$5,000 to the Franchise Tax Board and \$10,000 to the San Francisco District Attorney's Office ("DA"), and ordered to pay additional fines and fees totaling \$320. The total tax liability claimed by the FTB for the years covered by the offenses (2005-2007) was approximately \$217,381. As part of his sentencing, the court ordered that after one year of successful probation, probation could be terminated and the action dismissed.
4. Prior to sentencing respondent had already filed all outstanding returns and made full restitution to the FTB and given checks to the DA for payment of the fines to the FTB and DA; after sentencing, respondent paid the \$320 fine.
5. On June 25, 2010, the FTB issued a refund to respondent based on a determination that it had claimed more than was actually owed for 2007.
6. On August 27, 2010, respondent's conviction became final.
7. There was no finding in the criminal proceeding that respondent's conduct involved any intent to defraud, conceal or otherwise act untruthfully or dishonestly.
8. There was no finding in the criminal proceeding that respondent's conduct involved any intent to wilfully violate the law.
9. Respondent has complied with the terms of his probation without incident.



### Conclusions of Law

1. The misdemeanor offense of which respondent was convicted is a strict liability offense and does not require any finding <sup>v of</sup> to wilfulness to violate the law.
2. The misdemeanor offense of which respondent was convicted does not inherently involve moral turpitude.
3. Respondent's conduct and the circumstances surrounding his conduct did not involve moral turpitude.
4. By violating Revenue and Taxation Code section 19701(a), respondent failed to support the laws of this state in violation of Business and Professions Code section 6068(a).

### **FACTS SUPPORTING MITIGATING CIRCUMSTANCES**

#### Candor/Cooperation

Respondent displayed candor and cooperation with the State Bar during this disciplinary proceeding. Respondent displayed cooperation with the State Bar by entering into this stipulation. Respondent was also cooperative in promptly producing information and documents through informal discovery, and was forthcoming with substantial documentation and information (much of which was private and sensitive in nature) surrounding the conduct at issue.

Respondent also cooperated with the District Attorney. As stated above, respondent pled to the criminal charges on the same day they were filed and had already filed all outstanding returns and made full restitution to the tax authorities.

#### Family Problems

Respondent is the surviving parent of, and sole provider for, a developmentally disabled adult son who requires special care and attention from respondent, and has required such since preschool. Respondent's son lives with respondent and respondent pays one-half of his son's salary at his place of employment in order to provide his son with a normal environment. Respondent paid the full amount of his son's salary for many years. Respondent had significant concerns and related stresses regarding the well-being of his son during the period of the misdemeanor offenses.

#### Emotional/Physical Difficulties

In 2009 respondent was formally diagnosed with Attention-Deficit/Hyperactivity Disorder which is a recognized condition under the DSM4 (psychiatric indexing). Prior to 2009, respondent's condition was undiagnosed. The psychologist who diagnosed respondent concluded that before and throughout 2001-2007 time period respondent suffered from this psychological condition which affected his ability to timely attend to personal details, including personal financial matters, and which brought about the delinquent filing of his tax returns and resulting tax deficiencies. This psychological condition was not readily apparent at the time of the offense. The psychologist further concluded that respondent's condition was treatable. Respondent has undergone treatment with the diagnosing psychologist and



continues to participate in treatment with her on an ongoing and regular basis. Respondent voluntarily undertook such treatment before any State Bar proceedings were initiated. Because alcohol exacerbates his Attention-Deficit/Hyperactivity Disorder, the ongoing treatment includes counseling with respect to the use of alcohol.

Prior to respondent's wife's death, and throughout the period when respondent did not file tax returns, their son's special needs resulted in emotional stress between respondent and his wife.

#### Good Character

Respondent has provided the State Bar with letters from several members of the State Bar who are familiar with his tax deficiencies and his criminal proceeding, and who attest to his good character, remorse with respect to his misconduct, and to respondent's dedication to his clients.

Respondent has given substantial time to several non-profit entities and personally performs *pro bono* legal work through his firm.

### **FACTS SUPPORTING AGGRAVATING CIRCUMSTANCES**

#### Multiple Acts of Wrongdoing/Pattern of Misconduct

Respondent failed to file state returns for seven consecutive years, although he was convicted of failing to file for three tax years.

Respondent acknowledged his obligation to file returns and intent to do so, but did not actually file the returns until the issuance of a search warrant by the taxing authorities.

Respondent also failed to file *federal* income tax returns for the years 2001 through 2007. However, respondent contacted the IRS and participated in the IRS' Voluntary Disclosure Program. Respondent resolved his federal tax issues through the Voluntary Disclosure Program. After being advised of his Attention-Deficit/Hyperactivity Disorder, the IRS waived a portion of its penalty and interest covering the years in question. California does not have a Voluntary Disclosure Program.

### **AUTHORITIES SUPPORTING DISCIPLINE**

#### Standards for Attorney Sanctions for Professional Misconduct

Standard 1.6 (Determination of Appropriate Sanction), provides in pertinent part:

- (a) The appropriate sanction for an act of professional misconduct shall be that set forth in the following standards for the particular act of misconduct found or acknowledged . . . .
- (b) The appropriate sanction shall be the sanction imposed unless: . . . .
  - (ii) Mitigating circumstances are found to surround the particular act of misconduct found or acknowledged and the net effect of those mitigating circumstances, by themselves and in balance with any aggravating circumstances found, demonstrates that the purposes of imposing sanctions set forth in standard 1.3 will be properly fulfilled if a less degree of sanction is imposed. In that case, a lesser degree of sanction than the appropriate sanction shall be imposed or recommended.

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Standard 3.4 (Conviction of a Crime Not Involving Moral Turpitude But Involving Other Misconduct Warranting Discipline) provides that:

Final conviction of a member of a crime which does not involve moral turpitude inherently or in the facts and circumstances surrounding the crime's commission but which does involve other misconduct warranting discipline shall result in a sanction as prescribed under part B of these standards appropriate to the nature and extent of the misconduct found to have been committed by the member.

Standard 2.6 -- part of "part B" referred to in standard 3.4, above -- provides that violations of Business and Professions Code sections 6067 or 6068 "shall result in disbarment or suspension depending on the gravity of the offense or the harm, if any, to the victim, with due regard to the purposes of imposing discipline set forth in standard 1.3 . . . ."

Standard 1.3 provides that:

The primary purposes of disciplinary proceedings conducted by the State Bar of California and of sanctions imposed upon a finding or acknowledgment of a member's professional misconduct are the protection of the public, the courts and the legal profession; the maintenance of high professional standards by attorneys and the preservation of public confidence in the legal profession. Rehabilitation of a member is a permissible object of a sanction imposed upon the member but only if the imposition of rehabilitative sanctions is consistent with the above-stated primary purposes of sanctions for professional misconduct.

#### Case Law

In *In re Fahey* (1973) 8 Cal.3d 842, the California Supreme Court dismissed a conviction referral proceeding against an attorney who had been convicted of wilfully violating Title 26 United States Code section 7203 for failing to file his federal income tax return for three years. The offense was found not to involve moral turpitude. The court noted that the attorney's failure to file was not for personal financial gain and did not involve an intent to evade ultimate tax obligations.

However, five years later, in *In re Rohan* (1978) 21 Cal.3d 195, the Supreme Court suspended an attorney who had been convicted of violating Title 26 United States Code section 7203 for wilfully failing to file for one tax year. The court found that the offense did not involve moral turpitude but involved "other conduct warranting discipline." The court concluded that the "wilful failure to file income tax returns may warrant, in particular circumstances, disciplinary action." Rohan, who actually had failed to file federal tax returns for six consecutive years, had been admitted to practice for approximately five years at the time of the conduct which resulted in his criminal conviction. Rohan claimed that he was experiencing marital problems, had done pro bono work, and had hired a CPA to prepare his delinquent returns prior to his notice of an IRS investigation, that he had delayed filing returns based upon the advice of counsel who was representing Rohan on a drug related matter (of which Rohan was exonerated), and that Rohan filed returns shortly after receiving notice of the IRS investigation. The Supreme Court determined that no mitigating circumstances excused Rohan's conduct, who had a prior private reproof. The Supreme Court ordered Rohan suspended for two years stayed, and placed him on probation for two years on conditions including a 60-day actual suspension from the practice of



law. Rohan was also ordered to take and pass the Multi-State Professional Responsibility Examination within one year.

In *In re Chira* (1986) 42 Cal.3d 904, the court found that an attorney's participation in a tax shelter plan which involved signing a backdated sales contract involved moral turpitude, but that actual suspension from the practice of law was not warranted in light of mitigating factors. The court noted "[t]he conviction at issue here is only a blemish in petitioner's otherwise exemplary 24-year legal career. His misconduct was in connection with his personal affairs and he did not stand to gain any tax benefits." The court suspended Chira for one-year execution stayed, and placed him on probation for three years.

#### **PENDING PROCEEDINGS**

The disclosure date referred to, on page 2, paragraph A(7), was February 23, 2011.

#### **COSTS OF DISCIPLINARY PROCEEDINGS**

Respondent acknowledges that the Office of the Chief Trial Counsel has informed respondent that as of February 23, 2011, the prosecution costs in this matter are approximately \$1,636. Respondent further acknowledges that should this stipulation be rejected or should relief from the stipulation be granted, the costs in this matter may increase due to the cost of further proceedings.

#### **MCLE CREDIT FOR STATE BAR ETHICS SCHOOL**

Because respondent has agreed to attend State Bar Ethics School as part of this stipulation, respondent may receive Minimum Continuing Legal Education ("MCLE") credit upon the satisfactory completion of State Bar Ethics School which may be credited toward the total MCLE hours required for all members.

#### **WAIVER OF REFERRAL TO STATE BAR COURT PROGRAM FOR RESPONDENTS WITH SUBSTANCE ABUSE AND/OR MENTAL HEALTH CONDITIONS.**

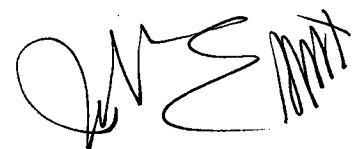
In signing this stipulation, respondent hereby acknowledges that the State Bar Court's separate program for respondents with substance abuse or mental health conditions has been fully explained to him, that he has had an opportunity to request to be considered for that program, and that he has specifically waived any such consideration.

#### **NOTICE RE PROBATION CONDITIONS**

Respondent acknowledges that the State Bar Office of Probation does not have the authority to extend compliance due dates or modify the terms and conditions of a discipline order.

Respondent acknowledges that he is personally responsible for timely complying with each and every term and condition of probation. Responsibility for compliance is not delegable.

Respondent acknowledges that, for all probation conditions, being even one day late means that he is out of compliance, and is subject to referral for probation violation. Non-compliance by respondent is not waived by delayed referral by the Office of Probation.

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In the Matter of: John Vincent Erickson	Case Number(s): 10-C-5801-PEM
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### Medical Conditions

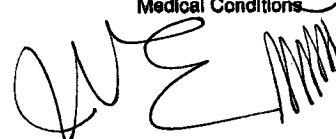
- a. ☐ Unless Respondent has been terminated from the Lawyer Assistance Program ("LAP") prior to respondent's successful completion of the LAP, respondent must comply with all provisions and conditions of respondent's Participation Agreement with the LAP and must provide an appropriate waiver authorizing the LAP to provide the Office of Probation and this court with information regarding the terms and conditions of respondent's participation in the LAP and respondent's compliance or non-compliance with LAP requirements. Revocation of the written waiver for release of LAP information is a violation of this condition. However, if respondent has successfully completed the LAP, respondent need not comply with this condition.
- b. ☒ Respondent must obtain psychiatric or psychological help/treatment from a duly licensed psychiatrist, psychologist, or clinical social worker at respondent's own expense a minimum of two times per month and must furnish evidence to the Office of Probation that respondent is so complying with each quarterly report. Help/treatment should commence immediately, and in any event, no later than thirty (30) days after the effective date of the discipline in this matter. Treatment must continue for      days or      months or      years or, the period of probation or until a motion to modify this condition is granted and that ruling becomes final.

If the treating psychiatrist, psychologist, or clinical social worker determines that there has been a substantial change in respondent's condition, respondent or Office of the Chief Trial Counsel may file a motion for modification of this condition with the Hearing Department of the State Bar Court, pursuant to rule 5.300 of the Rules of Procedure of the State Bar. The motion must be supported by a written statement from the psychiatrist, psychologist, or clinical social worker, by affidavit or under penalty of perjury, in support of the proposed modification.

- c. ☒ Upon the request of the Office of Probation, respondent must provide the Office of Probation with medical waivers and access to all of respondent's medical records. Revocation of any medical waiver is a violation of this condition. Any medical records obtained by the Office of Probation are confidential and no information concerning them or their contents will be given to anyone except members of the Office of Probation, Office of the Chief Trial Counsel, and the State Bar Court, who are directly involved with maintaining, enforcing or adjudicating this condition.

Other:

Respondent shall provide any treatment provider with copies of this Stipulation within 30 days after the filing of the Supreme Court order imposing discipline pursuant to this Stipulation and shall thereafter furnish evidence to the Office of Probation in the first required quarterly probation report that he has done so and the name, address, and telephone number of each treatment provider to which the Stipulation is provided. If respondent adds or changes treatment providers, respondent shall provide a copy of the Stipulation to each new treatment provider and furnish evidence to the Office of Probation in his next quarterly probation report that he has done so, along with the name, address, and telephone number of each new treatment provider.



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In the Matter of:  
John Vincent Erickson

Case number(s):  
10-C-5801-PEM

### SIGNATURE OF THE PARTIES

By their signatures below, the parties and their counsel, as applicable, signify their agreement with each of the recitations and each of the terms and conditions of this Stipulation Re Facts, Conclusions of Law, and Disposition.

2-25-2011  
Date

  
Respondent's Signature

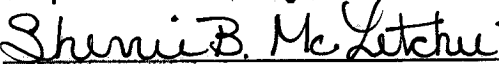
John Vincent Erickson  
Print Name

2-25-2011  
Date

  
Respondent's Counsel Signature

Mark L. Tuft  
Print Name

2-25-2011  
Date

  
Deputy Trial Counsel's Signature

Sherrie B. McLetchie  
Print Name

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In the Matter of:  
JOHN VINCENT ERICKSON  
SBN 52356

Case Number(s):  
10-C-05801

### STAYED SUSPENSION ORDER

Finding the stipulation to be fair to the parties and that it adequately protects the public, IT IS ORDERED that the requested dismissal of counts/charges, if any, is GRANTED without prejudice, and:

- ☐ The stipulated facts and disposition are APPROVED and the DISCIPLINE RECOMMENDED to the Supreme Court.
- ☒ The stipulated facts and disposition are APPROVED AS MODIFIED as set forth below, and the DISCIPLINE IS RECOMMENDED to the Supreme Court.
- ☒ All Hearing dates are vacated.

Remove the "and until" std. 1.4(c)(ii) condition from the stayed suspension at page 4, item D.(1)(a)(ii) as unnecessary. (See, *In the Matter of Luis* (Review Dept. 2004) 4 Cal. State Bar Ct. Rptr. 737.)

At p. 12 under "Medical Conditions," item "b," delete the last sentence and insert instead: "Treatment must continue during the period of probation or until a motion to modify this condition is granted and is final."

The parties are bound by the stipulation as approved unless: 1) a motion to withdraw or modify the stipulation, filed within 15 days after service of this order, is granted; or 2) this court modifies or further modifies the approved stipulation. (See rule 5.58(E) & (F), Rules of Procedure.) **The effective date of this disposition is the effective date of the Supreme Court order herein, normally 30 days after file date. (See rule 9.18(a), California Rules of Court.)**

March 14, 2011

Date

  
Judge of the State Bar Court

**LUCY ARMENDARIZ**

## CERTIFICATE OF SERVICE

[Rules Proc. of State Bar; Rule 5.27(B); Code Civ. Proc., § 1013a(4)]

I am a Case Administrator of the State Bar Court of California. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of San Francisco, On March 14, 2011, I deposited a true copy of the following document(s):

STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING

in a sealed envelope for collection and mailing on that date as follows:

- ☒ by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at San Francisco, California, addressed as follows:

MARK LOGAN TUFT  
COOPER WHITE & COOPER LLP  
201 CALIFORNIA ST 17TH FL  
SAN FRANCISCO, CA 94111

- ☒ by interoffice mail through a facility regularly maintained by the State Bar of California addressed as follows:

SHERRIE McLETCHIE , Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on March 14, 2011.



Laurretta Cramer  
Case Administrator  
State Bar Court